

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

RHODA LYONS,
Charging Party

HRB CASE NO. 0151017225

-v-

FINAL AGENCY DECISION

SIDNEY SUGARS INCORPORATED,
Respondent

Charging Party, Rhoda Lyons (Lyons), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in employment on the basis of age and race. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Lyons's allegations that Respondent, Sidney Sugars Incorporated, discriminated against Lyons. The Department issued a Notice of Dismissal. Lyons filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 17, 2015. Rhoda Lyons appeared and argued on behalf of herself. Richard Ross appeared and argued on behalf of Sidney Sugars Incorporated.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, the claims are time barred. *Id.*

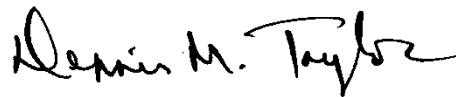
Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA*. This review

must be requested within 30 days of the date of this order. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record.

Section 2-4-702(2), MCA.

IT IS HEREBY ORDERED, that Rhoda Lyons's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Sidney Sugars Incorporated.

DATED this 3rd day of August, 2015.

A handwritten signature in black ink, reading "Dennis M. Taylor". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Dennis M. Taylor, Chair
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 3rd day of August, 2015.

RHODA LYONS
P.O. BOX 586
FAIRVIEW, MT 59221

RICK ROSS
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET
SUITE 4000
MINNEAPOLIS, MN 55402-1425



Annah Howard, Legal Secretary
Montana Human Rights Bureau